

106-C-277 BUILD AMERICA, BUY AMERICA ACT REQUIREMENTS
[for Federal-Aid Contracts Only]

(Revised 05-20-23)

The Standard Specifications are revised as follows:

SECTION 106, BEGIN LINE 116, DELETE AND INSERT AS FOLLOWS:

(c) Build America, Buy America Requirements

All contracts shall be supplied with steel and iron products *and construction materials* that are produced in the United States. Steel and iron products shall comply with IC 5-16-8 and the 23 CFR 635.410.

A *Build America, Buy America* Certification shall be submitted and received for each product or source of material prior to being incorporated into the contract in accordance with 916.02(e) and 916.03(e).

SECTION 106, BEGIN LINE 140, DELETE AND INSERT AS FOLLOWS:

a. Exceptions

The Engineer may grant specific written permission to use foreign steel or iron products when both of the following conditions apply:

- (1) The total cost of all foreign products to be used does not exceed 0.1 percent of the total Contract cost, or \$2,500, whichever is greater. The cost is the value of the product as delivered to the project.
- (2) The specified products are not produced in the United States in sufficient quantity or otherwise are not reasonably available to meet the requirements of the Contract Documents. ~~The Engineer may require the Contractor to obtain letters from three different suppliers documenting the unavailability of a product from a domestic source if the shortage is not previously established by the Department. The Department will request a waiver when domestic iron and steel, of satisfactory quality, are not produced in sufficient and reasonably available quantities.~~

2. Construction Materials

All construction materials incorporated permanently into a contract that serve an ongoing need to the finished product shall be manufactured in the United States. All manufacturing processes for the construction materials shall occur in the United States.

SECTION 916, BEGIN LINE 21, DELETE AND INSERT AS FOLLOWS:

916.02 Types of Certifications

Certifications shall be Type A, Type B, Type C, Type D, *Build America, Buy America*, or as required under other types. When specified, the type of certification provided for a material shall be in accordance with the Frequency Manual except as otherwise specified. Specific information and test results required in Type A, Type B, and other types of certifications will be listed in the material specifications. Sample forms for Type A, Type B, Type C, Type D, and *Build America, Buy America* certifications are shown in 916.03. Sample forms for other type certifications are shown in ITM 804.

SECTION 916, BEGIN LINE 57, DELETE AND INSERT AS FOLLOWS:

(e) *Build America, Buy America Requirement*

All steel and iron materials and products *and construction materials* used in the contract shall be certified to be in accordance with 106.01(c).

SECTION 916, BEGIN LINE 225, INSERT AS FOLLOWS:

(e) *Sample Build America, Buy America Certification Form*

BUILD AMERICA, BUY AMERICA CERTIFICATION

SECTION 916, BEGIN LINE 254, INSERT AS FOLLOWS:

2. Construction Materials

In accordance with 106.01(c)2, I hereby certify that all construction materials and manufacturing processes for the materials listed below occurred in the United States of America or territories subject to its jurisdiction.

<i>Material Name*</i>	<i>Quantity (units)</i>	<i>Company of Manufacture</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

* *Identifying information shall be shown when appropriate.*

Signature of Company Official

Title

Date _____

Signature of Contractor Official

Title

Date _____